



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,510	05/04/2001	Xi Li	SAVI-001	8687
7590	05/19/2004		EXAMINER	
David B. Ritchie THELEN REID & PREIST LLP P.O. Box 640640 San Jose, CA 95164-0640			WOO, RICHARD SUKYOON	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/849,510	LI ET AL.
	Examiner	Art Unit
	Richard Woo	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 March 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13, 15-29 and 31-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13, 15-29, 31-48 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Arguments

- 1) Applicant's amendment filed on March 10, 2004 is acknowledged.
- 2) Due to the newly found indefiniteness (under 35 U.S.C. § 112(2)) for every independent claim, the prior indication of allowance of claims is hereby withdrawn. However, the applicant is encouraged to contact the examiner to help correct this claim indefiniteness.

Claim Rejections - 35 USC § 112

- 3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4) Claims 1-13, 15-29 and 31-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is apparently missing essential step(s), such missing step(s) or omission amounting to a gap between the steps. The omitted steps are: how to detect a missing tag read before compensating. Furthermore, the applicant fails to particularly claim how to compensate for a mistake. Although the specifications disclose how this could be done and the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Claims 17, 3, 36, 39, 42, 45 and 46 suffer the identical indefiniteness.

Claim Rejections - 35 USC § 102

5) Claims 33-44, as far as they are definite, are rejected under 35 U.S.C. 102(e) as being anticipated by "Information Visibility and Its Effect on Supply Chain Dynamics" (hereinafter "Information Visibility").

W.R.T. Claims 33, 36, 39 and 42:

Information Visibility discloses a system including:

- a data center;
- one or more site servers coupled to the data center;
- one or more tags, each of the tags affixed to a good or conveyance; and
- one or more users coupled to the data center via the Internet, wherein each of the users are charged a fee per good tracked (see generally page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

W.R.T. Claims 34-35, 37-38, 40-41 and 43-44:

Information Visibility further discloses the system including:

- wherein the tags and tags readers both utilize RFID technology; and
- an Intransit Data Appliance and an Enterprise server, the enterprise server coupled to the data center and the IDA coupled to the enterprise server to transmit of data on the location of a good or conveyance using GPS (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

Claim Rejections - 35 USC § 103

6) Claims 1-13, 16-29, 31-32 and 45-48, as far as they are definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over Information Visibility.

W.R.T. Claims 1, 17 and 45-46:

Information Visibility discloses a method including:

affixing a tag to each good to be tracked and to each conveyance used to store or carry the goods;

marking the location of one of the goods at a data appliance and storing information on the location at a site server coupled to the data appliance; and uploading the location information to a data center, the data center coupled to the site server (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15).

However, Information Visibility does not expressly disclose the method including: charging users of the supply chain a fee dependent on the number of tracked goods to access the data center and view reports compiled using the location information regarding each tracked good.

Since Information Visibility discloses a business process optimization software and a communications link that is capable of gathering information in real-time and making it available to everyone (including anyone charging users of the supply chain), it would have been obvious at the time the invention was made to a person having

ordinary skill in the art to charge users of the supply chain a fee dependent on the number of tracked goods to access the data center and view reports compiled using the location information regarding each tracked good, for the purpose of optimizing business process by generating more revenues.

W.R.T. Claims 2-13, 16 and 18-29, 32, 47-48:

W.R.T. Claims 2, 18, 47: Information Visibility further discloses the method including: aggregating one or more of the goods into a conveyance at a data point and wherein the marking includes indicating an aggregation event occurred at the data point (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

W.R.T. Claims 3, 19, 48: Information Visibility further discloses the method, wherein the marking further includes performing aggregation-by-interference, wherein an aggregation event occurring at the location for a conveyance automatically indicates that the conveyance has been completely filled with items (*Id.*);

W.R.T. Claims 4, 20: Information Visibility further discloses the method including performing de-aggregation-by-interference at a second data point, wherein a de-aggregation event indicating that all items have been removed from the conveyance is generated (see *Supra*);

W.R.T. Claims 5, 21: Information Visibility further discloses the method, wherein the tag affixed to the one of the goods is a RFID tag and the marking includes scanning the tag

affixed to the one of the goods (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

W.R.T. Claims 6, 22: Information Visibility further discloses the method, wherein one of the goods is stored in one of the conveyance, the marking includes scanning the tag affixed to one of the conveyance using a reader (*Id.*);

W.R.T. Claims 7, 23: Information Visibility further discloses the method, wherein the marking includes scanning a tag using a tag reader (see *Supra*);

W.R.T. Claims 8, 24: Information Visibility further discloses the method, wherein the tag reader is coupled to a data appliance (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

W.R.T. Claims 9, 25: Information Visibility further discloses the method, wherein the tag reader is part of a data appliance (*Id.*);

W.R.T. Claims 10, 26: Information Visibility further discloses the method, wherein the marking includes tracking the goods using GPS (see *Supra*);

W.R.T. Claims 11, 27: Information Visibility further discloses the method, wherein the storing utilizes the UDAP to communicate the location information from the data appliance to the site server (see page 9, line 7-line 26; page 22, line 36 – page 27, line 8; and page 47, line 1 – page 57, line 15);

W.R.T. Claims 12, 28: Information Visibility further discloses the method including accessing the data center and viewing the reports (*Id.*);

W.R.T. Claims 13, 29: Information Visibility further discloses the method including aggregating a good into a conveyance when the good is loaded into the conveyance

and de-aggregating the good from the conveyance when the good is unloaded from the conveyance (see *Supra*); and

W.R.T. Claim 16, 32: Information Visibility further discloses the method including filtering out any duplicative tag reads (see *Supra*).

Allowable Subject Matter

7) Claims 15 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.


Richard Woo
Patent Examiner
GAU 3629
May 17, 2004

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600